

**ENTERED**

February 08, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DEBORAH THOMAS,

Plaintiff.

VS.

TRUSTMARK CORPORATION, ET  
AL.,

Defendants.

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CIVIL ACTION NO. 4:20-CV-00173

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On January 8, 2021, competing motions for summary judgment (Dkts. 32, 38) were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 59. On January 19, 2021, Judge Edison filed a Memorandum and Recommendation (Dkt. 63) recommending that Plaintiff's Motion for Summary Judgment on the Issue of Discretionary Authority (Dkt. 32) be **GRANTED**, and that Defendant Nationwide Life Insurance Company's Motion for Summary Judgment on Standard of Review (Dkt. 38) be **DENIED**.

On February 1, 2021, Defendant Nationwide Life Insurance Company filed its Objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in

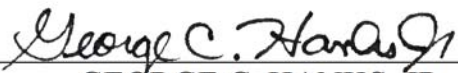
part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* FED. R. Civ. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Edison’s Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison’s Memorandum and Recommendation (Dkt. 63) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff’s Motion for Summary Judgment on the Issue of Discretionary Authority (Dkt. 32) is **GRANTED**; and
- (3) Defendant Nationwide Insurance Company’s Motion for Summary Judgment on Standard of Review (Dkt. 38) is **DENIED**.

It is so **ORDERED**.

SIGNED and ENTERED this 8th day of February 2021.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE